

For bidding purposes, bidders should assume the following for **July 1, 2005 - June 30, 2006**:

- 3,410 requests for hearings
- 190 completed hearing decisions
- 47,000 hours to be paid to mediators
- 5.0 as the average number of days for hearings
- 3,100 law and motion orders
- 490 requests for mediation only
- \$197,000 cost for translators or interpreters
- \$568,000 cost for mediator and hearing officer travel

Based on prior trends, bidders should assume a 10 percent workload increase when preparing the **2006-2007** budget and another 10 percent increase for the **2007-2008** budget projection.

The *Evaluation Study of Special Education Dispute Resolution Issues* states that “an effective and efficient hearing and mediation system is largely dependent on the skill of the Hearing Officers who conduct the hearings and the Mediators who facilitate agreements.” Contributing to the success of the systems is the supervision, training, availability, and evaluation of personnel.

Bidders must address the following in their proposals:

## **A. Management and Staffing**

### **1. Qualification and Compensation of Personnel**

#### **a) Hearing Officers**

Hearing officers – whether they are employees, contracted individuals, or subcontracting agencies – must meet the minimum qualifications as specified in the RFP. (*Note: The text that appears below in italics is taken from draft regulations.*)

#### ***i. Section 3082.1: Hearing Officers: Minimum Qualifications***

*Hearing officers shall be attorneys licensed to practice law in California who have at least five years of full-time experience in the active practice of law, which shall have included at least two years of experience in the presentation of evidence and examination of witnesses before trial courts or quasi-judicial administrative bodies.*

## **B. Compensation**

Payments will be made in arrears on a monthly basis upon receipt of an itemized invoice and a monthly progress report. Final payment at the end of the contract, June 30, 2008, will not be made until the state contract monitor submits a completed a Std. 4 Contract/Contractor Evaluation indicating satisfactory performance by contractor.

All travel costs shall be reimbursed at rates not to exceed those established for CDE nonrepresented employees, computed in accordance with and allowable pursuant to applicable Department of Personnel Administration regulations (Attachment 7).

Surplus funds from a given line item of the budget, up to ten percent of that line item, may be used to defray allowable direct costs under other budget line items with prior CDE contract monitor approval. Any budget line item change of more than ten percent requires a contract amendment and approval by the State Department of General Services, if required by State law or policy. Additional funds will only be added to support additional workload.

## **C. Contract Requirements Related to DVBE Participation Goals**

### **Substitution of a DVBE**

- a. After award of a contract, the successful contractor must use the DVBE subcontractor(s) and/or supplier(s) proposed in the solicitation response to the State per Title 2 Section 1896.62 unless a substitution is requested. The contractor must request the substitution in writing to the contract monitor and the CDE must have approved the substitution in writing. At a minimum the substitution request must include:
  1. A written explanation of the reason for the substitution; and if applicable, the contractor must also include the reason a non-DVBE subcontractor is proposed for use.
  2. A written description of the business enterprise to be substituted, including its business status as a sole proprietorship, partnership, corporation or other entity, and the DVBE certification status of the firm, if any.
  3. A written notice detailing a clearly defined portion of the work identified both as a task and as a percentage share/dollar amount of the overall contract that the substituted firm will perform.
- b. The request for substitution of the DVBE subcontractor/supplier must be approved in writing by the awarding department prior to commencement of any work by the subcontractor/supplier.
- c. The request for substitution of a DVBE and the awarding department's approval or disapproval cannot be used as an excuse for noncompliance with any other provision of law, including, but not limited to, the Subletting and Subcontracting Fair Practices Act (Sections 4100 et seq., Public Contract Code) or any other contract